

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Leon Turner

Docket No. 5:97-CR-94-12H

Petition for Action on Supervised Release

COMES NOW Lee Holmes, Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Leon Turner, who, upon an earlier plea of guilty to 21 U.S.C. § 846, Conspiracy to Distribute and Possess with the Intent to Distribute Cocaine Base (Crack), Cocaine Powder, Heroin, and Marijuana, and 18 U.S.C. § 924 (c)(l), Use or Carrying of a Firearm During and in Relation to a Drug-Trafficking Crime, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on October 14, 1998, to the custody of the Bureau of Prisons for a term of 270 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months. On May 4, 2009, pursuant to 18 U.S.C. § 3582(c)(2), the imprisonment sentence was reduced to 228 months.

Leon Turner was released from custody on December 24, 2014, at which time the term of supervised release commenced. On April 10, 2015, the court was notified that the offender submitted a urine sample which tested positive for marijuana on March 18, 2015. Supervision was continued at that time. On February 1, 2016, the court was advised that the defendant submitted a urine sample which tested positive for marijuana on October 26, 2015. The court ordered supervision to be continued. On February 25, 2016, the court was notified that the defendant submitted a urine sample which tested positive for marijuana on January 29, 2016. The court ordered the defendant to serve 2 days in the custody of the Bureau of Prisons. The defendant served his 2 day sanction beginning on March 19, 2016. On January 4, 2017, the court was advised that the defendant submitted a urine sample which tested positive for marijuana on October 3, 2016. At this time, the court modified the conditions of supervised release to include mental health treatment.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Mr. Turner submitted a urine sample which tested positive for marijuana on July 6, 2017. When confronted with the results, the defendant signed a statement acknowledging his use of marijuana. Since last testing positive for marijuana, the defendant completed a mental health assessment and is now enrolled in medication monitoring, along with substance abuse treatment at Integrated Behavioral Healthcare Services. We are recommending that another controlling strategy be implemented to assist the defendant in not using marijuana. A curfew requirement for 60 days is our recommendation. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 60 consecutive days. The defendant is restricted to residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer. The defendant must pay half of the monitoring cost.

Except as herein modified, the judgment shall remain in full force and effect.

Leon Turner

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Petition For Action

Page 2

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Eddie J. Smith

Eddie J. Smith

Supervising U.S. Probation Officer

/s/ Lee Holmes

Lee Holmes

Probation Officer

150 Rowan Street Suite 110

Fayetteville, NC 28301

Phone: 910-354-2568

Executed On: August 22, 2017

ORDER OF THE COURT

Considered and ordered this 5th day of September, 2017, and ordered filed and made a part of the records in the above case.

Malcolm J. Howard

Malcolm J. Howard

Senior U.S. District Judge